

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

99 APR 23 AM 9:20

U.S. DISTRICT COURT
N.D. OF ALABAMA

LINDA LEE PONZIANO,

)

PLAINTIFF,

)

VS.

)

CV99-H-0562-S

CRACKER BARREL OLD COUNTRY
STORE, INC.; LARRY HEAPE;
TRACY MANN; JASON CARSON;
TOM HOWE; and BILL BURKE

)

)

)

DEFENDANTS.

JM
ENTERED

APR 25 1999

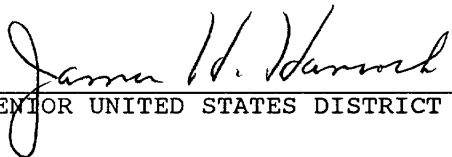
MEMORANDUM OF DECISION

On March 10, 1999 (entered March 12, 1999) the court, upon considering a March 5, 1999 application by plaintiff, treated the application as a complaint, requiring an amended complaint suitable for service to be filed within 30 days. More importantly, the court partially granted and partially denied plaintiff's application for authorization to commence this action without prepayment of fees. The court reduced the normal filing fee to \$75 and directed that if the reduced fee of \$75 was not paid by April 12, 1999, the application/complaint may be dismissed without further notice. Also in the March 10, 1999 order the court granted the application for the appointment of an attorney and referred the matter to Magistrate Judge Davis for the selection of an attorney. Correspondence in the file indicates that Magistrate Judge Davis selected an attorney, forwarded the matter to him who communicated with plaintiff, met with plaintiff and advised Magistrate Judge Davis that,

consistent with Rule 11 he could not accept representation of the plaintiff in this matter. For the foregoing reasons the order granting the application for appointment of an attorney is **SET ASIDE**.

Plaintiff having failed to comply with the March 10, 1999 order to pay by April 12, 1999 the partial filing fee of \$75, this action will be dismissed, without prejudice, for failure to comply with that order.

DONE this 23rd day of April, 1999.



SENIOR UNITED STATES DISTRICT JUDGE